

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

V.

TIMOTHY HIMES, Omaha Assistant  
City Attorney,

Defendant.

8:16CV71

# MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Notice of Appeal (Filing No. [11](#)) and Motion for Leave to Proceed In Forma Pauperis.

Plaintiff appeals from the court's Memorandum and Order (Filing No. [8](#)) and Judgment (Filing No. [9](#)) dated June 6, 2016. Rule 4 of the Federal Rules of Appellate Procedure requires that a notice of appeal in a civil case be filed within 30 days of the entry of judgment. [Fed. R. App. P. 4](#). Plaintiff appeals from the court's Memorandum and Order (Filing No. [8](#)) and Judgment (Filing No. [9](#)) dated June 6, 2016. Therefore, the Notice of Appeal, filed on August 11, 2016, is untimely.

IT IS ORDERED that Plaintiff will not be permitted to proceed in forma pauperis on appeal. The clerk of court is directed to send a copy of this order to the Eighth Circuit Court of Appeals.

DATED this 12<sup>th</sup> day of August, 2016.

BY THE COURT:

s/ *Richard G. Kopf*  
Senior United States District Judge